

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

BY ORDER OF THE COMMANDER, PACIFIC AIR FORCES

AF INSTRUCTION 37-131/PACAF SUPPLEMENT 1

6 JANUARY 1997

Information Management

FREEDOM OF INFORMATION ACT PROGRAM

This publication does not apply to the Air National Guard (ANG) or US Air Force Reserve (USAFR) units and members.

SUMMARY OF REVISIONS

This supplement designates new denial authority, updates office symbols, redefines requirements for forwarding denied records, and establishes new reporting requirements. New or revised material is indicated by a (*).

Supersedes AFI 37-131/PACAF Sup 1, 12 August 1994

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AFI 37-131, 16 February 1995, is supplemented as follows:

2.5 FOIA managerial functions will be performed by PACAF host base Records Managers.

2.6. When proposing partial denial of records, OPRs provide a complete redacted version as defined in paragraph 15.1.17 herein to the FOIA manager. When requesters desire to review requested records and they are determined totally releasable, OPRs, in coordination with the FOIA manager, will make an adequate reading location available.

2.7. See paragraph 15.2.1 herein.

9. See procedures in paragraph 15.2.1 herein for Inspector General (IG) records.

9.1. PACAF Foreign Disclosure Offices are: HQ PACAF/INX-FDO, 5 AF/DOI, 7 AF (607 AIG/INX), 11 AF (611 AIF/CD), and 13 AF (613 AIS/FDO).

10.4.1. The OPR will accomplish these actions and provide the FOIA manager an information copy of letters.

10.6.1. Requests for local base telephone directories, staff directories, organizational charts, etc., received at overseas bases (except PACAF bases in Guam, Alaska and Hawaii) whether or not they invoke the FOIA will be logged as a FOIA request and forwarded to HQ PACAF/SCM (FOI). HQ PACAF will process these as denials. PACAF FOIA managers (base level or MAJCOM) in Alaska, Guam, and Hawaii will log and process requests for these publications.

12. The Chief, Systems Management Division, Directorate of Communications and Information, HQ PACAF, is designated as an additional denial authority and will sign denial letters.

12.2. When there are no records responsive to a request, i.e., requested records do not exist and there is no statutory requirement to create a record, include the following "appeal rights" as the second paragraph of the response letter to the requester: "If you interpret this "no records" response as an adverse action, you may appeal it to the Secretary of the Air Force within 60 calendar days from the date of this letter. Include your reasons for reconsideration and attach a copy of this letter. Address your letter as follows: Secretary of the Air Force, THRU: (Base FOIA Manager's complete address)."

*12.3.(Added). When a request does not specifically request personal information on third parties such as SSAN, home telephone or address, date of birth, etc., third party information may be deleted without processing it as a partial denial. Advise the requester that such information is not considered responsive, has been deleted, and that release of such information without consent would constitute an unwarranted invasion of personal privacy.

13.1. Base FOIA managers submit DD Form 2564, Annual Report Freedom of Information Act to reach HQ PACAF/SCM (FOI) by 3 January.

*13.1.1(Added). PAF-SCM(Q)9701, Average FOIA Processing Time. FOIA managers submit to HQ PACAF/SCMBR the total number of cases completed for the quarter and the average processing time not later than 5 working days following end of each quarter.

15.1.13. For requests referred to HQ PACAF/SCM (FOI), send the requester a letter at the same time the case is entered into mail channels. Do not give a specific date when the requester can expect a final decision.

15.1.17. Forward proposed denials to HQ PACAF/SCM (FOI). The disclosure authority (para 15.2.1) must sign the letter. The case file will include one complete copy of the requested information. Use a yellow highlighter to indicate recommended redacted parts. EXCEPTION: For Inspector General (IG) records also include one complete unmarked copy. Include all processing documents to include the OPR's recommendation and the Staff Judge Advocate's review. Forward a letter to the requester per paragraph 15.1.13 and include a copy with the denial package. NOTE: When forwarding a denial/partial denial to HQ PACAF/SCM (FOI) and the responsive records are voluminous, you may substitute a detailed description of the documents recommended for release and for denial with prior consent of HQ PACAF/SCM (FOI). When this procedure is used, the FOIA manager will assure all records responsive to the request are maintained according to AFMAN 37-139, T37-19, Rules 26 and 27, or according to disposition instruction for the related record, whichever is later.

15.2. The OPR or functional manager will coordinate proposed denial/partial denials of functional requests with the FOIA manager. Such requests will be logged and processed under FOIA procedures.

*15.2.1.(Added). Within HQ PACAF, division chiefs are disclosure authorities. At PACAF bases, commanders of numbered air forces, wings, and groups (including vice/deputy commanders) are disclosure authorities. EXCEPTION: For Inspector General (IG) records (governed by AFPD 90-3 and AFI 90-301) that pertain to IG actions initiated and finalized at HQ PACAF and below, the disclosure authority is HQ PACAF/IG. Records created by the Social Actions Equal Opportunity and Treatment program (including complaint clarification reviews) that result in an IG investigation, become part of the IG Report of Investigation (ROI). At PACAF bases, Inspector Generals will recommend release/denial on requests for IG records forwarded to HQ PACAF. For colonel and senior official ROIs including commander-directed inquiries and investigations regardless of level initiated or finalized at, Wing IGs will provide recommendations for release/denial. HQ PACAF/IG will review recommendations and forward required cases to SAF/IG for final release/denial determination.

*15.2.2.(Added). Disclosure of records, as well as proposed denials, must be coordinated with the office of the staff judge advocate then handcarried back to the FOIA manager for final processing.

*15.2.3.(Added). The authority to disclose records of a routine nature may be further delegated in local supplements.

16.1. This includes telephone directories, standard publications, visual aids (such as staff directories), etc., at all levels of issuance, except standard publications with limitations on distribution ("X" and "L" distribution, classified, or For Official Use Only (FOUO)).

*16.1.1.(Added). FOIA requests for departmental unclassified standard publications with no limitations on distribution will be logged as FOIA requests and the requester notified that the publications are for sale from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. The requester should write NTIS direct.

*16.1.2.(Added). FOIA requests for field unclassified standard publications with no limitations on distribution will be logged and processed through the appropriate release authority.

*16.1.3.(Added). FOIA requests for departmental/ field classified standard publications, those marked FOUO, and those with limitations (X and L distribution) will be logged as FOIA requests and forwarded to the appropriate OPR to determine releasability. Refer requests for departmental publications in these categories to 11 CS/SCSR (FOIA), 1000 Air Force Pentagon, Washington DC 20330-1000; for MAJCOM publications to HQ PACAF/SCM. Refer requests for all other field publication to the appropriate Base FOIA Manager.

25.4. HQ PACAF/JAQ will provide HQ PACAF/SCM (FOI) with the point-by-point legal discussion required.

25.7. Background files maintained by FOIA managers for "No Records" responses will include a letter signed by the chief of functional OPR stating what areas/offices were searched, how search was conducted (manually, by computer, telephone, etc.). Upon receipt of an appeal, another search will be conducted. If no records are located, forward the appeal and all background records related to the case to HQ PACAF/SCM (FOI). Include the original request, the requester's appeal letter, and initial and subsequent letters from functional OPRs related to search.

26. Official rosters (recall rosters) required for official business that include personal information which if disclosed to the public could result in unwarranted invasion of personal privacy should be marked "For Official Use Only" (FOUO) (AFI 37-131, paragraph 10.6) (FOIA exemption (b)(6)). Unofficial compilations of names, spouses' names, home addresses and home telephone numbers should not be marked FOUO. A Privacy Act (PA) advisory "Personal Data Privacy Act of 1974" may be used.

26.6.2 After the "For Official Use Only" marking show in parenthesis the FOIA exemption that applies (i.e., For Official Use Only (FOIA Exemption 6)).

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